

BARROW

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date: 7-21-71 by Plaintiff

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
THOMAS J. FRALEY  VS  ROESTLER ENTERPRISES, INC., an Oklahoma Corporation		<b>For plaintiff:</b> Edwin W. Ash Bailey, Ash & Romine 756-2210 Box 159 Okmulgee, Okla. 74447  Goodwin & Goodwin 1417 North Greenwood Tulsa, Okla. 74106  <b>For defendant:</b> Sellers & Sellers 220 430 Patricia Sellers 202 Security Bank Bldg. Sapulpa, Oklahoma 74066					
STATISTICAL RECORD	COSTS		DATE	NAME OR RECEIPT NO.	REC.	DISB.	
J.S. 5 mailed 8-1-71	Clerk		7-21-71	Ash	15 00		
			7-22-71	C.D. No. 5		15 00	
J.S. 6 mailed 2-1-73	Marshal						
Basis of Action:	Docket fee						
Fair Labor Standards Act	Witness fees						
Action arose at:	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
7-21-71	Complaint, filed. Summons issued. g (Jury trial requested).	
8-12-71	Return on summons filed. Served Roestler Enterprises, Inc. by serving its reg. Agent, Ray G. Roestler II at Okla. City, Okla, on 8-3-71.(USM \$4.96)h	
8-23-71	Deft's Motion to Dismiss, filed. r	
8-23-71	Brief in support of Motion to Dismiss, filed. r	
8-23-71	Ordered by the Court granting plaintiff 10 days from this date to respond to Deft's Motion to Dismiss. (AEB-J)r	
9-2-71	Plaintiff's response brief to defendant's motion to dismiss, filed. ds	
1-11-72	Ordered that Magistrate conduct hearing on deft's motion to dismiss. (AEB-J)hm	
1-11-72	Hearing held on deft's motion to dismiss. Pltf. counsel not present. Magistrate will rule summarily unless counsel for pltf. gets in touch with Magistrate by 4 o'clock on 1-12-72. (MLB-Mag)(Millie Ballard-CSR)hm	
1-13-72	Recommended by the Magistrate that deft's motion to dismiss be denied. Pltf. to prepare recommendation and order within 5 days.(MLB-Mag)hm	
2-7-72	Findings and Recommendations of Magistrate, that def. motion to dismiss be denied. (MPB-Mag.) rm <i>Copies made</i>	
2-7-72	Order filed, that def. motion to dismiss be denied and def. granted 20 days to answer. (AEB-J) rm <i>Copies made</i>	
2-24-72	Defendant's Answer, filed. ds	
2-24-72	Defendant's interrogatories, filed. ds	
3-3-72	Parties directed to hold pre-trial prior to 4-5-72 and file pre-trial order not later than 4-14-72. (AEB-J)hm	
3-7-72	Interrogatories propounded to def., filed. rm	
3-30-72	Plaintiff's answers to interrogatories, filed. ds	
4-5-72	Defendant's answers to interrogatories, filed. ds	
4-7-72	Pre-Trial Order, filed. (AEB-J)r	
4-24-72	Case set for jury trial on Monday 5/22/72 at 9:30 a.m. (AEB-J) rm	
5-5-72	Deft's trial brief, filed. hm	
5-19-72	Application to Strike Cause from Docket, filed. js(by defendant)	
5-19-72	Stricken from Jury Docket of 5-22-72 at request of defendant and agreement of plaintiff. (AEB-J)v	
5-22-72	Case called for J/trial. Parties present and case stricken from this jury docket upon request of defendant to be placed on next jury docket.(AEB-J)h	
9-8-72	Case set for Jury trial on Monday, Sept. 25, 1972 at 10:00 am.(AEB-J)h	
9-25-72	Case called for jury trial. Parties present and announce ready, and case passed on Trailing docket.(AEB-J)h	
9-27-72	Case called for jury trial. Parties present and agree to selection of jury before Clerk of the court. Jury empaneled, and case passed for trial on Thurs. Oct. 5, 1972 at 10:00 am.(AEB-J)h	
10-2-72	Case stricken from jury docket of Oct. 5, 1972 to be reset on next jury docket.(AEB-J)h Jury dismissed.	
12-15-72	Case set for jury trial on Monday, Jan. 8, 1972 at 9:30 A.M. (AEB-J)h	
1-12-73	Case tried to jury 1-10, 11 & 12, 1973. Jury selected in presence of the Clerk. Jury returns with verdict 1-12-73 (10:35 A.M.) with verdict for the defendant. Verdict accepted, read and filed in open court. Jury discharged.(AEB-J)h	
1-12-73	Judgment on jury verdict filed and entered. It is adjudged that the plaintiff take nothing, action dismissed on the merits, and the def. recovers of the	

## D. C. 110A Rev. Civil Docket Continuation

DATE	PROCEEDINGS	Date Order or Judgment Noted
1-12-73	<p>plaintiff Thomas J. Fraley his costs of action. (AEB-J)h <i>copies to attys</i></p> <p>Exhibits of Def. # 1,2&amp;3 in file .h</p>	

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